

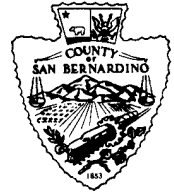
INTEROFFICE MEMO

DATE April 8, 2004

PHONE 387-4112

MAIL CODE: 0182

FROM **TINA TWING**, Senior Associate Planner
Land Use Services Department/Current Planning Division



TO **HONORABLE PLANNING COMMISSION**

Agenda item No. 3

SUBJECT **EDUARDO TAN; GPA/W54-111/2004/TPM 16511; APN: 1011-451-02; MONTCLAIR SPHERE OF INFLUENCE**

This item was continued from the March 18, 2004, Planning Commission hearing to allow the applicant to file for a variance in wall height and setback and to advertise the variances to the surrounding property owners.

BACKGROUND

When the Applegate Tract (TR 16215) to the north of this site was approved last year, the approval included a Major Variance for wall height and setback. The project was constructed with a 7'5" high decorative masonry wall with 8' high intermediate columns. The wall was set back 8 feet from the property line along Vernon Avenue.

The City of Montclair has requested that the applicant for this Tentative Parcel Map design his project to be consistent with the Applegate Tract. The City is also requesting that the applicant construct a decorative wall along the Vernon Avenue frontage of Parcel 2, to match the style, height and alignment of the Applegate wall. This requires that a variance be approved, since the Development Code limits wall height along street frontages in residential land use districts to no more than 4 feet and requires any wall above 4 feet in height to be placed behind the 15-foot building setback line.

The proposed wall is designed to taper to 4 feet as it approaches the front setback along Howard Street. In addition, it is designed to taper down to 6 feet as it reaches the wall on the south side of Parcel 3, so that there is no difference in height where the two walls join.

The property owner to the west testified at the March hearing regarding her loss of privacy. In response, the applicant has decided to increase the height of the block wall along the west property line of the subject site to 7'5". Since said property owner keeps horses on her parcel, the increased wall height will provide a protective barrier for the horses. Interior wall height is limited by Code to 6 feet; therefore, a variance in wall height is also being requested for this wall. In addition, the applicant has redesigned the two-story residence on Parcel 1 to eliminate all second story windows, with the exception of the bathroom window that will be constructed with opaque glass.

The applicant has revised the Tentative Parcel Map to incorporate the variances. That revised site plan is attached. Staff has been able to make the required findings for approval, as follows:

MAJOR VARIANCE #W54-111/2004 TO PERMIT a 7'5' decorative masonry block wall with 8' high intermediate columns along the Vernon Avenue side of Parcel 2, in lieu of the 4-foot high wall allowed in the RS Land Use District; to permit the wall along the Vernon Avenue side yard of Parcel 2 to be setback 8 feet from the ultimate right-of-way instead of the 15 feet required by Code; and to permit a 7'5" block wall along the west property line in lieu of the 6-foot high wall permitted by Code.

1. The granting of this variance will not be materially detrimental to other properties or land uses in the area. Allowing the wall height and alignment to match the wall height and alignment of Tract 16215 (Applegate Tract) to the north will result in a more visually pleasing and uniform appearance along Vernon Avenue. Increasing the height and allowing the wall to be setback 8 feet from the property line along Vernon Avenue will provide a more attractive view. Increasing the wall height along the west property of the site will benefit the adjacent property owner by allowing more privacy and by creating a barrier to protect her horses

The design of the project will not substantially interfere with the present or future ability to use solar energy systems.

2. There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use that do not apply to other properties within the same district or vicinity because the site is immediately-adjacent to the Applegate Tract to the north. The alignment and height of the wall along Parcel 2, facing Vernon Avenue must be consistent with the Applegate Tract. The City of Montclair is supportive of the granting of this variance for the reasons set forth above.
3. The strict application of the land use district deprives this property of privileges enjoyed by other properties in the vicinity or in the same land use district because the Applegate Tract to the north was granted a similar variance to allow increased wall height and to decrease the wall setback from 15 feet to 8 feet.
4. The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the General Plan. Variances are available to address unusual circumstances such as this where granting of the variance will assist in promoting a more attractive residential community and will serve to mitigate some of the impacts of the project for the neighbor to the west.
5. This Major Variance is exempt from CEQA review.

RECOMMENDATION:

Staff therefore recommends that the Planning Commission recommend to the Board of Supervisors that they

- A) **ADOPT** the Negative Declaration;
- B) **ADOPT** General Plan Amendment W54-111/2004 to amend the Land Use District Map for this site from RS-20M (Single Residential, 20,000 square foot minimum lot size) to RS (Single Residential – 7,200 square foot minimum lot size) on 1.05 acres.
- C) **APPROVE** Tentative Parcel Map 16511 to create 4 parcels on 1.05 acres, subject to the recommended conditions of approval;

- D) **APPROVE** Variance #W54-111/2004 to allow wall heights up to 7'5' in height with 8' intermediate columns in lieu of the 4 foot height permitted by the Development Code, setback 8 feet from the ultimate right-of-way along Vernon Avenue; and wall height up to 7'5" along the entire western length of the property line of the subject site;
- E) **ADOPT** the Findings, as amended in this report and as contained in the staff report; and
- F) **FILE** a Notice of Determination

Attachments:

Exhibit A: Revised Conditions of Approval
Exhibit B: Revised Tentative Parcel Map
Exhibit C: Floor Plan for two-story house on Parcel 1